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AUG 8 1989

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FCC MAIL BRANCH

August 7, 1989

**FEDERAL EXPRESS**

The Honorable Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

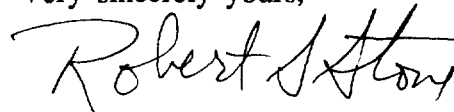
Re: BPH-870820MB, Hartford, Michigan

Dear Ms. Searcy:

We submit herewith, on behalf of our client, American Indian Broadcast Group, Inc., an original and four (4) copies of a Petition for Leave to Amend, and accompanying Amendment to its construction permit application now on file at the Commission, for a new FM station to serve Hartford, Michigan on FM Channel 279A (103.7 MHz).

Should you or any members of your staff have questions regarding the above, please communicate with the undersigned for clarification. Thank you for your cooperation in this matter. With kind regards, I remain

Very sincerely yours,



Robert S. Stone  
Counsel to American Indian  
Broadcast Group, Inc.

RSS/dc  
Enclosures

cc: American Indian Broadcast  
Group, Inc. Public File

RSS061/A:8702.LTR

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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*[Handwritten signature]*

In Re Application of )  
 )  
American Indian Broadcast Group, Inc. )  
 )  
For Authority to Construct a New )  
Commercial FM Station on Channel 279A )  
at Hartford, Michigan )

File No. BPH-870820MB

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AUG 8 1989

To: Chief, Mass Media Bureau

FCC MAIL BRANCH

**PETITION FOR LEAVE TO AMEND**

American Indian Broadcast Group, Inc. ("American"), applicant for construction permit for non-reserved FM Channel 279A at Hartford, Michigan (BPH-870820MB), by counsel, and pursuant to §§ 1.65 and 73.3522(a)(6) of the Commission's Rules and Regulations, hereby respectfully submits its Petition for Leave to Amend its above-captioned application, so as to report changes in information previously filed as part of its application. In support whereof, the following is shown:

1. The Amendment, proffered herewith, reports that American's application for a new FM station to serve the community of State College, Pennsylvania on FM Channel 233A (File No. BPH-870916MB) has been dismissed pursuant to a settlement reached with other parties to that proceeding. The Amendment also reports the dismissal of American's application for a new FM broadcast station to serve Atlantic City, New Jersey on FM Channel 297B1 (File No. BPH-870827MQ), pursuant to a settlement agreement reached in that proceeding. As noted, at the time of the dismissal of American's Atlantic City, New Jersey application, a financial "misrepresentation" issue had been specified against American's application there. That issue has been incorporated by Administrative Law Judge Joseph

Chachkin in a proceeding for a new FM station to serve San Angelo, Texas in which American is a party (MM Docket No. 88-552; File No. BPH-870921MB). Upon resolution of the issue within the San Angelo, Texas proceeding, an Amendment will be filed to the instant application, reporting the resolution of the issue.

2. Information contained within the attached Amendment must be reported pursuant to § 1.65 of the Commission's Rules. Moreover, the Amendment involves no deficiency in the tenderability of its application, and would not create any conflict with an application filed subsequent to the filing of its application in original form. "Good cause" also exists for the acceptance of the Amendment in that no comparative "upgrading" is involved, the applicant has diligently prepared and filed the Amendment, no disruption of proceedings or additional hearings would occur, and no competing applicant would be prejudiced by the information reported therein. While the proposed Amendment was, strictly speaking, required by the "voluntary" act of the applicant, it is nevertheless acceptable in that it brings the applicant into compliance with § 1.65 of the Commission's Rules, as noted above. Accordingly, the applicant has shown good cause for the acceptance of the Amendment, over and above its obligation to report significant changes. See, Erwin O'Conner Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1970).

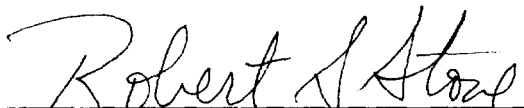
WHEREFORE, premises considered, American Indian Broadcast Group, Inc. respectfully urges the Chief, Mass Media Bureau to grant the instant petition and accept the accompanying amendment for association with its application consistent with the above.

August 7, 1989  
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Respectfully submitted,

AMERICAN INDIAN BROADCAST GROUP, INC.

McC Campbell & Young, Its Attorneys

BY:   
Robert S. Stone

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(615) 637-1440

August 7, 1989

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## AMENDMENT

The application of American Indian Broadcast Group, Inc. ("American") for authority to construct and operate a new FM broadcast station to serve Hartford, Michigan, on FM Channel 279A (File No. BPH-870820MB) is hereby amended by the following information:

1. By Memorandum Opinion and Order, FCC 89M-1718, released June 23, 1989, the Commission dismissed the application of American Indian Broadcast Group, Inc. for a construction permit for a new FM station on Channel 233A, State College, Pennsylvania (File No. BPH-870916MB), pursuant to a Joint Request for Approval of Partial Settlement Agreement filed May 12, 1989 by American and competing applicant Advanced Broadcasting Technologies, Inc. No requested or outstanding character issues were left unresolved against American as a result of the above dismissal.

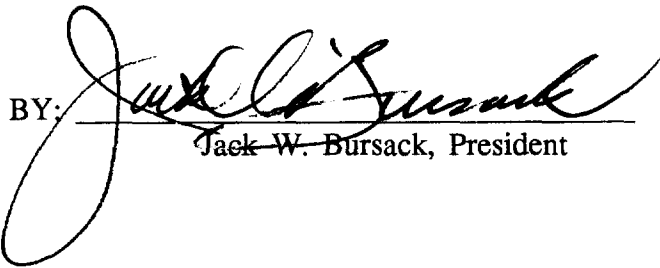
2. By Memorandum Opinion and Order, FCC 89M-1676, released June 16, 1989, Administrative Law Judge Edward J. Kuhlmann granted a Petition to Enlarge Issues against American and designated the following issue against American's application for a construction permit for a new FM broadcast station on Channel 297B1, Atlantic City, New Jersey:

To determine whether American Indian Broadcast Group, Inc. made misrepresentations or lacked candor with the Commission in certifying to its financial qualifications, and, if so, the effect thereof on its qualifications to be a Commission licensee.

Thereafter, on July 14, 1989, prior to the scheduled commencement of hearing sessions for Atlantic City, New Jersey, FM Channel 297B1, American and Knight Radio, Inc., one of American's competitors in the Atlantic City proceeding, reached an agreement providing for the dismissal of American's Atlantic City, New Jersey application in return for monetary consideration to be paid by Knight Radio, Inc. The above dismissal of American's Atlantic City, New Jersey application leaves unresolved the financial misrepresentation/lack of candor issue against American. American will resolve the above issue within the context of a separate comparative hearing. Upon resolution thereof, an amendment will be filed to the instant application to such effect.

DATED this 18<sup>th</sup> day of July, 1989.

AMERICAN INDIAN BROADCAST GROUP, INC.

BY:   
Jack W. Bursack, President

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